

**To:** Russo, Rebecca[Russo.Rebecca@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]  
**From:** Card, Joan  
**Sent:** Thur 9/24/2015 6:43:42 PM  
**Subject:** RE: follow up issues from GKM hearings

Thanks Rebecca. I've suggested to Shaun that we put your agenda item near the top on Monday so you can get some items before the group. Stay tuned. I think your proposal makes good sense. I can field the questions and seek assistance from other content experts as necessary.  
Joan

**From:** Russo, Rebecca  
**Sent:** Thursday, September 24, 2015 12:20 PM  
**To:** Ostrander, David; Card, Joan  
**Subject:** FW: follow up issues from GKM hearings

Hi Joan and David,

The other item I was hoping to discuss today was a process for responding to congressional inquiries. I would like to recommend that as they come in, I send them to you two, or just David (?), and we decide who needs to draft the response. Does that work?

And then the draft response goes to Bob for review and approval.

And then once I approved, I can send either out to the requestor or to OCIR.

Let me know if that works.

David – This is a new crop that we just got in from OCIR. Also, I'll set up something with you to go discuss the public letters/emails.

Thanks,

Rebecca

Rebecca A. Russo

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**From:** Levine, Carolyn  
**Sent:** Thursday, September 24, 2015 12:01 PM  
**To:** Deitz, Randy; Card, Joan  
**Cc:** Distefano, Nichole; Russo, Rebecca  
**Subject:** follow up issues from GKM hearings

hi Randy and Joan,

Below are some issues raised at last weeks' hearing that we will need to focus on for follow up. No specific due date right now, but we'd like to get these rolling for response. I've identified the office I think would answer, but please let me know your thoughts. Thanks.

1. (R8) How much additional funds did EPA provide the contractor following the August 5 release and for what purpose?

ANSWER: The contractor was performing work to contain the release.

➤ Need expanded answer re: \$ and purpose

2. (R8) Did you follow general 402 CWA guidelines?

3. (OSWER) So, EPA decided who was going to be independent. Can you show me those documents/emails that proves EPA consulted with numerous agencies about who would be best to do an independent review?

4. (OSWER/R9?) 1.3 billion gallons of water was released from the dam to dilute the spill belongs to the Navajo Nation. Is the EPA going to reimburse them for that loss of water?

5. (OSWER) The 10 mines paused were identified only after the AP report.

➤ Is this list now public/posted?

6. (R8) Was EPA involved in developing the Health and Safety Plan with the contractor/subcontractor?

7. (OSWER) Has the EPA followed all the notice requirements in section 103 of CERCLA as well as section 304 of EPCRA?

8. (OSWER, R8, OARM?) Please provide the Committee with any recommendations

## **Attorney Work Product/Ex. 5**

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